



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 05/22/2013 (Per: CMH)

☞ Appendix F ... Part VII

- Appendix A** ☞ The drafting file for LRB 11-0021 (used to create 13-0031)
- Appendix B** ☞ The drafting file for LRB 09-4673 (used to create 11-0021)
- Appendix C** ☞ The drafting file for LRB 09-0012 (used to create 09-4673)
- Appendix D** ☞ The drafting file for LRB 09-0068 (used to create 09-4673)
- Appendix E** ☞ The drafting file for LRB 09-0070 (used to create 09-4673)
- Appendix F** ☞ The drafting file for LRB 09-0071 (used to create 09-4673)
- Appendix G** ☞ The drafting file for LRB 09-0228 (used to create 09-4673)
- Appendix H** ☞ The drafting file for LRB 09-3257 (used to create 09-4673)
- Appendix I** ☞ The drafting file for LRB 09-4635 (used to create 09-4673)
- Appendix J** ☞ The drafting file for LRB 09-4648 (used to create 09-4673)

has been transferred to the drafting file for

2013 LRB-0031



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 09/16/2010 (Per: CMH)

Compile Draft – Appendix
... Part VII

- | | |
|--|--|
| B The 2009 drafting file for LRB-0012 | F The 2009 drafting file for LRB-0228 |
| C The 2009 drafting file for LRB-0068 | G The 2009 drafting file for LRB-3257 |
| D The 2009 drafting file for LRB-0070 | H The 2009 drafting file for LRB-4635 |
| E The 2009 drafting file for LRB-0071 | I The 2009 drafting file for LRB-4648 |

2009 LRB-0071 (used to create 2009 LRB-4673)

has been transferred to the drafting file for

2011 LRB-0021

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0071/P2dn
PJH:cjs:jf

April 6, 2010

Please review this draft to ensure that it is consistent with your intent. This draft incorporates the changes suggested in the March 16, 2010, memorandum. As before, this draft will ultimately be compiled with other drafts and the comprehensive draft will incorporate changes to cross-references and should ensure that all language is consistent. If you have any questions or concerns, please do not hesitate to contact me.

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State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-0071/P2
PJH:wlj:jjf

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT *to repeal*** 940.49, 968.03 (1), 968.04 (1) (a), 968.04 (2) (title), 968.04 (2)
2 (c), 968.04 (3) (a) 8., 968.04 (3) (b) 3. a., 968.04 (3) (b) 3. b. (intro.), 968.085 (2)
3 (a) to (f), 968.09 (2), 969.001 (2), 969.01 (2) (title), 969.01 (2) (b), (c), (d) and (e),
4 969.02, 969.03, 969.05, 969.08 (1), (2), (3) and (4), 969.09, 969.13 and 969.14;
5 ***to renumber*** 968.04 (2) (b), 968.04 (3) (b) (title), 968.075 (title), 968.075 (1),
6 968.075 (2) (ar), 968.075 (2) (b), 968.075 (3), 968.075 (4), 968.075 (6) to (9),
7 968.085 (3) (intro.), 968.085 (3) (c), 968.085 (6), 969.001 (intro.), 969.01 (title),
8 969.08 (5) (a), 969.08 (5) (b) 2., 969.08 (5) (b) 5., 969.08 (6), 969.08 (9), 969.08
9 (10) and 969.12; ***to renumber and amend*** 968.03 (2), 968.04 (title), 968.04 (1)
10 (intro.), 968.04 (1) (b), 968.04 (1) (c), 968.04 (1) (d), 968.04 (2) (a), 968.04 (3) (a)
11 (intro.), 968.04 (3) (a) 1. to 6., 968.04 (3) (a) 7., 968.04 (3) (b) 1., 968.04 (3) (b) 2.,
12 968.04 (3) (b) 3. (intro.), 968.04 (3) (b) 3. b. (form), 968.04 (4), 968.05, 968.07,
13 968.075 (2) (a), 968.075 (2) (am), 968.075 (2m), 968.075 (5), 968.08, 968.085
14 (title), 968.085, 968.085 (2) (intro.), 968.085 (3) (a), 968.085 (3) (b), 968.085 (3)
15 (d), 968.085 (4), 968.085 (5), 968.085 (7), 968.085 (8), 968.09 (title), 968.09 (1),

1 969.001 (1), 969.01 (1), 969.01 (2) (a), 969.01 (3), 969.01 (4), 969.035, 969.04,
2 969.065, 969.07, 969.08 (title), 969.08 (5) (b) 1., 969.08 (5) (b) 3., 969.08 (5) (b)
3 4., 969.08 (7), 969.08 (8), 969.08 (9m) and 969.11; **to amend** 16.84 (2), 23.56 (1),
4 23.65 (2), 29.972 (1) (a), 29.972 (1) (c), 49.138 (1m) (c), 66.0113 (3) (e), 66.0114
5 (1) (a), 110.07 (2m), 110.07 (4), 301.03 (7m), 345.28 (3) (a), 345.28 (5) (b) 1.,
6 631.95 (1) (c), 704.16 (1) (b) 7., 704.16 (3) (b) 2. g., 758.171, 800.01 (2) (a), 800.04
7 (2) (c), 808.075 (4) (g) 1., 808.075 (4) (g) 2., 809.31 (6), 895.34, 895.446 (4), 895.45
8 (1) (a), 938.535, 939.621, 940.48 (intro.), 943.245 (3m), 943.51 (3r), 946.49 (2),
9 946.87 (2) (am), 949.165 (1) (a), 950.04 (1v) (qm), 967.04 (1), 968.02 (2), 968.03
10 (3), 970.03 (1), 973.03 (3) (e) 2., 973.03 (5) (a) 1., 973.03 (5) (a) 2., 973.09 (2) (a)
11 1. b., 973.20 (1r) and 973.20 (9m); **to repeal and recreate** chapter 969 (title);
12 and **to create** subchapter I (title) of chapter 969 [precedes 969.15], 969.15,
13 969.19, 969.20 (2), 969.20 (6), 969.20 (7) (title), 969.21 (title), 969.24 (2m),
14 969.25, 969.26 (title), 969.26 (3), subchapter II (title) of chapter 969 [precedes
15 969.30], 969.30 (2), 969.30 (3) to (7), 969.31 (3), 969.31 (4), 969.32, 969.33 (title),
16 969.33 (2), 969.33 (3), 969.33 (4), 969.33 (5) to (7), 969.37, 969.38, 969.41,
17 969.42, subchapter III (title) of chapter 969 [precedes 969.50] and 969.50 (2)
18 and (3) of the statutes; **relating to:** arrests; summonses and citations in
19 criminal cases; releasing a defendant before trial; enforcing appearance
20 requirements and conditions of release; and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.84 (2) of the statutes is amended to read:

2 16.84 (2) Appoint such number of police officers as is necessary to safeguard
3 all public property placed by law in the department's charge, and provide, by
4 agreement with any other state agency, police and security services at buildings and
5 facilities owned, controlled, or occupied by the other state agency. The governor or
6 the department may, to the extent it is necessary, authorize police officers employed
7 by the department to safeguard state officers, state employees, or other persons. A
8 police officer who is employed by the department and who is performing duties that
9 are within the scope of his or her employment as a police officer has the powers of a
10 peace officer under s. 59.28, except that the officer has the arrest powers of a law
11 enforcement officer under s. ~~968.07~~ 969.16 regardless of whether the violation is
12 punishable by forfeiture or criminal penalty. The officer may exercise the powers of
13 a peace officer and the arrest powers of a law enforcement officer while located
14 anywhere within this state. Nothing in this subsection limits or impairs the duty of
15 the chief and each police officer of the police force of the municipality in which the
16 property is located to arrest and take before the proper court or magistrate persons
17 found in a state of intoxication or engaged in any disturbance of the peace or violating
18 any state law in the municipality in which the property is located, as required by s.
19 62.09 (13).

20 **SECTION 2.** 23.56 (1) of the statutes is amended to read:

21 23.56 (1) A person may be arrested for a violation of those statutes enumerated
22 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
23 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
24 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, after
25 a warrant that substantially complies with s. ~~968.04~~ 969.20 has been issued. Except

1 as provided in sub. (2), the person arrested shall be brought without unreasonable
2 delay before a court having jurisdiction to try the action.

3 **SECTION 3.** 23.65 (2) of the statutes is amended to read:

4 23.65 (2) The complaint shall be prepared in the form specified in s. 23.55.
5 After a complaint is prepared, it shall be filed with the judge and a summons shall
6 be issued or the complaint shall be dismissed pursuant to s. ~~968.03~~ 969.20. Such
7 filing commences the action.

8 **SECTION 4.** 29.972 (1) (a) of the statutes is amended to read:

9 29.972 (1) (a) Fails to respond to a summons under s. 23.66 (3) or 23.67 (4), or
10 a warrant or summons under s. ~~968.04~~ 969.20.

11 **SECTION 5.** 29.972 (1) (c) of the statutes is amended to read:

12 29.972 (1) (c) Fails to appear before the court and is subject to a bench warrant
13 under s. ~~968.09~~ 969.50.

14 **SECTION 6.** 49.138 (1m) (c) of the statutes is amended to read:

15 49.138 (1m) (c) A member of the family was a victim of domestic abuse, as
16 defined in s. ~~968.075~~ 969.27 (1) (a).

17 **SECTION 7.** 66.0113 (3) (e) of the statutes is amended to read:

18 66.0113 (3) (e) A judgment may be entered under par. (d) if the summons or
19 citation was served as provided under s. ~~968.04 (3) (b) 2.~~ 969.22 (2) or by personal
20 service by a county, town, city, village, town sanitary district or public inland lake
21 protection and rehabilitation district employee.

22 **SECTION 8.** 66.0114 (1) (a) of the statutes is amended to read:

23 66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,
24 village, town sanitary district or public inland lake protection and rehabilitation
25 district is a civil action. All forfeitures and penalties imposed by an ordinance or

1 bylaw of the city, village, town sanitary district or public inland lake protection and
2 rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in
3 an action in the name of the city or village before the municipal court or in an action
4 in the name of the city, village, town sanitary district or public inland lake protection
5 and rehabilitation district before a court of record. If the action is in municipal court,
6 the procedures under ch. 800 apply and the procedures under this section do not
7 apply. If the action is in a court of record, it shall be commenced by warrant or
8 summons under s. ~~968.04~~ 969.20 or, if applicable, by citation under s. 778.25 or
9 778.26. A law enforcement officer may arrest the offender in all cases without
10 warrant under s. ~~968.07~~ 969.16. If the action is commenced by warrant the affidavit
11 may be the complaint. The affidavit or complaint is sufficient if it alleges that the
12 defendant has violated an ordinance or bylaw, specifying the ordinance or bylaw by
13 section, chapter, title or otherwise with sufficient plainness to identify the ordinance
14 or bylaw. The judge may release a defendant without a cash deposit or may permit
15 him or her to execute an unsecured appearance bond upon arrest. In arrests without
16 a warrant or summons a statement on the records of the court of the offense charged
17 is the complaint unless the court directs that a formal complaint be issued. In all
18 actions under this paragraph the defendant's plea shall be guilty, not guilty or no
19 contest and shall be entered as not guilty on failure to plead. A plea of not guilty on
20 failure to plead puts all matters in the case at issue, any other provision of law
21 notwithstanding. The defendant may enter a not guilty plea by certified mail.

22 **SECTION 9.** 110.07 (2m) of the statutes is amended to read:

23 110.07 (2m) In addition to the primary powers granted by subs. (1) and (2), any
24 officer of the state traffic patrol shall have the powers of a peace officer under s. 59.28,
25 except that the officer shall have the arrest powers of a law enforcement officer under

1 s. ~~968.07~~ 969.16, regardless of whether the violation is punishable by forfeiture or
2 criminal penalty. A state traffic officer shall at all times be available as a witness for
3 the state but may not conduct investigations for crimes under chs. 939 to 948 other
4 than crimes relating to the use or operation of vehicles. The primary duty of a state
5 traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating
6 to the use or operation of vehicles upon the highway. No state traffic officer shall be
7 used in or take part in any dispute or controversy between employer or employee
8 concerning wages, hours, labor or working conditions; nor shall any such officer be
9 required to serve civil process. The department may assign state traffic officers to
10 safeguard state officers or other persons.

11 **SECTION 10.** 110.07 (4) of the statutes is amended to read:

12 110.07 (4) In addition to the primary powers granted by sub. (3), any inspector
13 shall have the powers of a peace officer under s. 59.28, except that the inspector shall
14 have the arrest powers of a law enforcement officer under s. ~~968.07~~ 969.16,
15 regardless of whether the violation is punishable by forfeiture or criminal penalty.
16 An inspector shall at all times be available as a witness for the state but may not
17 conduct investigations for crimes under chs. 939 to 948 other than crimes relating
18 to the use or operation of vehicles. The primary duty of an inspector shall be the
19 enforcement of the provisions specified in sub. (3). No inspector may be used in or
20 take part in any dispute or controversy between employer or employee concerning
21 wages, hours, labor or working conditions; nor may an inspector be required to serve
22 civil process. The department may assign inspectors to safeguard state officers or
23 other persons.

24 **SECTION 11.** 301.03 (7m) of the statutes is amended to read:

1 301.03 **(7m)** Supervise criminal defendants accepted into the custody of the
2 department under ~~s. 969.02 (3) (a) or 969.03 (1) (a)~~ ch. 969. The department shall
3 charge the county that is prosecuting the defendant a fee for providing this
4 supervision. The department shall set the fee by rule.

5 **SECTION 12.** 345.28 (3) (a) of the statutes is amended to read:

6 345.28 **(3)** (a) If the person does not pay the forfeiture or appear in court in
7 response to the citation for a nonmoving traffic violation on the date specified in the
8 citation or, if no date is specified in the citation, within 28 days after the citation is
9 issued, the authority that issued the citation may issue a summons under s. ~~968.04~~
10 ~~(3) (b)~~ 969.22 to the person and, in lieu of or in addition to issuing the summons, may
11 proceed under sub. (4) or (5) but, except as provided in this section, no warrant may
12 be issued for the person. If the person does not pay towing and storage charges
13 associated with a citation for a nonmoving traffic violation, the authority that issued
14 the citation may proceed under sub. (4).

15 **SECTION 13.** 345.28 (5) (b) 1. of the statutes is amended to read:

16 345.28 **(5)** (b) 1. If a person fails to respond to the notices under par. (a) within
17 the time specified in the notice, a warrant that substantially complies with the
18 mandatory provisions under s. ~~968.04 (3) (a)~~ 969.21 (1) may be issued for the person,
19 except that the warrant shall direct the officer to accept the person's deposit of money
20 or his or her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu
21 of serving the warrant and arresting the person.

22 **SECTION 14.** 631.95 (1) (c) of the statutes is amended to read:

23 631.95 **(1)** (c) "Domestic abuse" has the meaning given in s. ~~968.075 (1) (a)~~
24 969.27 (1) (a).

25 **SECTION 15.** 704.16 (1) (b) 7. of the statutes is amended to read:

1 704.16 (1) (b) 7. A criminal complaint that was filed against the person as a
2 result of the person being arrested for committing a domestic abuse offense against
3 the tenant under s. ~~968.075~~ 969.27.

4 **SECTION 16.** 704.16 (3) (b) 2. g. of the statutes is amended to read:

5 704.16 (3) (b) 2. g. A criminal complaint that was filed against the offending
6 tenant as a result of the offending tenant being arrested for committing a domestic
7 abuse offense against the other tenant under s. ~~968.075~~ 969.27.

8 **SECTION 17.** 758.171 of the statutes is amended to read:

9 **758.171 Judicial conference: uniform citation.** The judicial conference
10 shall adopt a uniform citation form for use as authorized under s. ~~968.085~~ 969.24.
11 A duly authenticated copy of this form shall be furnished to the secretary of state and
12 kept on file in his or her office. The secretary of state shall transmit a copy of this
13 form to the clerks of circuit court.

14 **SECTION 18.** 800.01 (2) (a) of the statutes is amended to read:

15 800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or
16 ~~968.04 (3) (b) 2.~~ 969.22 (2) or by personal service by an adult who is a resident of the
17 state where the service is made but who is not a party to the action.

18 **SECTION 19.** 800.04 (2) (c) of the statutes is amended to read:

19 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
20 and does not appear, he or she is deemed to have tendered a plea of no contest and
21 submits to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, not
22 exceeding the amount of the deposit. The court may either accept the plea of no
23 contest and enter judgment accordingly, or reject the plea and issue a summons. If
24 the court finds that the violation meets the conditions in s. 800.093 (1), the court may
25 summon the alleged violator into court to determine if restitution shall be ordered

1 under s. 800.093. If the defendant fails to appear in response to the summons, the
2 court shall issue a warrant under s. ~~968.09~~ 969.50. If the defendant has made a
3 deposit but does appear, the court shall allow the defendant to withdraw the plea of
4 no contest.

5 **SECTION 20.** 808.075 (4) (g) 1. of the statutes is amended to read:

6 808.075 (4) (g) 1. Release on ~~bond~~ conditions under s. 809.31 or ~~969.01 (2) ch.~~
7 969.

8 **SECTION 21.** 808.075 (4) (g) 2. of the statutes is amended to read:

9 808.075 (4) (g) 2. Modification or revocation of ~~bond under s. 969.01 (2) (e) or~~
10 ~~969.08~~ conditions of release under ch. 969.

11 **SECTION 22.** 809.31 (6) of the statutes is amended to read:

12 809.31 (6) The court ordering release shall require the defendant to post a bond
13 in accordance with s. ~~969.09~~ 969.23 and may impose other terms and conditions. The
14 defendant shall file the bond in the trial court.

15 **SECTION 23.** 895.34 of the statutes is amended to read:

16 **895.34 Renewal of sureties upon becoming insufficient and effects**
17 **thereof.** If any bail bond, recognizance, undertaking or other bond or undertaking
18 given in any civil or criminal action or proceeding, becomes at any time insufficient,
19 the court or judge thereof, municipal judge or any magistrate before whom such
20 action or proceeding is pending, may, upon notice, require the plaintiff or defendant
21 to give a new bond, recognizance or undertaking. Every person becoming surety on
22 any such new bond, recognizance or undertaking is liable from the time the original
23 was given, the same as if he or she had been the original surety. If any person fails
24 to comply with the order made in the case the adverse party is entitled to any order,
25 judgment, remedy or process to which he or she would have been entitled had no

1 bond, recognizance or undertaking been given at any time. This section does not
2 apply to a modification of a condition of release under s. 969.33 (7).

3 **SECTION 24.** 895.446 (4) of the statutes is amended to read:

4 895.446 (4) Any recovery under this section shall be reduced by the amount
5 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act
6 or as recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act.

7 **SECTION 25.** 895.45 (1) (a) of the statutes is amended to read:

8 895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.
9 49.165 (1) (a), 813.12 (1) (am), or ~~968.075~~ 969.27 (1) (a), harassment, as defined under
10 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault
11 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
12 ss. 948.02 to 948.11.

13 **SECTION 26.** 938.535 of the statutes is amended to read:

14 **938.535 Early release and intensive supervision program; limits.** The
15 department may establish a program for the early release and intensive supervision
16 of juveniles who have been placed in a juvenile correctional facility or a secured
17 residential care center for children and youth under s. 938.183 or 938.34 (4m). The
18 program may not include any juveniles who have been placed in a juvenile
19 correctional facility or a secured residential care center for children and youth as a
20 result of a delinquent act involving the commission of a violent crime as defined in
21 s. ~~969.035~~ 969.43, but not including the crime specified in s. 948.02 (1).

22 **SECTION 27.** 939.621 of the statutes is amended to read:

23 **939.621 Increased penalty for certain domestic abuse offenses.** If a
24 person commits an act of domestic abuse, as defined in s. ~~968.075~~ 969.27 (1) (a) and
25 the act constitutes the commission of a crime, the maximum term of imprisonment

1 for that crime may be increased by not more than 2 years if the crime is committed
2 during the 72 hours immediately following an arrest for a domestic abuse incident,
3 as set forth in s. ~~968.075~~ 969.27 (5). The 72-hour period applies whether or not there
4 has been a waiver by the victim under s. ~~968.075~~ 969.27 (5) (c). The victim of the
5 domestic abuse crime does not have to be the same as the victim of the domestic abuse
6 incident that resulted in the arrest. The penalty increase under this section changes
7 the status of a misdemeanor to a felony.

8 **SECTION 28.** 940.48 (intro.) of the statutes is amended to read:

9 **940.48 Violation of court orders.** (intro.) Whoever violates an order issued
10 under s. 940.47 or violates any condition of a bond required under s. 969.33 (4) (d)
11 may be punished as follows:

12 **SECTION 29.** 940.49 of the statutes is repealed.

13 **SECTION 30.** 943.245 (3m) of the statutes is amended to read:

14 943.245 **(3m)** Any recovery under this section shall be reduced by the amount
15 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
16 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act and by any amount
17 collected in connection with the act and paid to the plaintiff under a deferred
18 prosecution agreement under s. 971.41.

19 **SECTION 31.** 943.51 (3r) of the statutes is amended to read:

20 943.51 **(3r)** Any recovery under this section shall be reduced by the amount
21 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
22 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act.

23 **SECTION 32.** 946.49 (2) of the statutes is amended to read:

24 946.49 **(2)** A witness for whom bail has been required under s. ~~969.01 (3)~~ 969.18
25 is guilty of a Class I felony for failure to appear as provided.

1 **SECTION 33.** 946.87 (2) (am) of the statutes is amended to read:

2 946.87 **(2)** (am) Notwithstanding par. (a), property described in par. (a) is
3 subject to forfeiture if the person who violated s. 946.83 or 946.85 has not been
4 convicted, but he or she is a defendant in a criminal proceeding, is released, pending
5 trial, on ~~bail, as defined in s. 969.001~~ conditions under ch. 969, and fails to appear
6 in court regarding the criminal proceeding. However, before making the final
7 determination of any action under this section, the court must determine that the
8 party bringing the action can prove the person committed the violation of s. 946.83
9 or 946.85.

10 **SECTION 34.** 949.165 (1) (a) of the statutes is amended to read:

11 949.165 **(1)** (a) "Serious crime" has the meaning designated in s. ~~969.08 (10)~~
12 969.51 (7) (b) and includes solicitation, conspiracy or attempt to commit a serious
13 crime.

14 **SECTION 35.** 950.04 (1v) (qm) of the statutes is amended to read:

15 950.04 **(1v)** (qm) To recompense as provided under s. ~~969.13 (5) (a)~~ 969.42.

16 **SECTION 36.** 967.04 (1) of the statutes is amended to read:

17 967.04 **(1)** If it appears that a prospective witness may be unable to attend or
18 prevented from attending a criminal trial or hearing, that the prospective witness's
19 testimony is material and that it is necessary to take the prospective witness's
20 deposition in order to prevent a failure of justice, the court at any time after the filing
21 of an indictment or information may upon motion and notice to the parties order that
22 the prospective witness's testimony be taken by deposition and that any designated
23 books, papers, documents or tangible objects, not privileged, be produced at the same
24 time and place. If a witness is committed pursuant to s. ~~969.01 (3)~~ 969.18, the court

1 shall direct that the witness's deposition be taken upon notice to the parties. After
2 the deposition has been subscribed, the court shall discharge the witness.

3 **SECTION 37.** 968.02 (2) of the statutes is amended to read:

4 968.02 (2) After a complaint has been issued, it shall be filed with a judge and
5 either a warrant or summons shall be issued or the complaint shall be dismissed,
6 pursuant to s. 968.03 969.20. Such filing commences the action.

7 **SECTION 38.** 968.03 (1) of the statutes is repealed.

8 **SECTION 39.** 968.03 (2) of the statutes is renumbered 969.20 (8) and amended
9 to read:

10 969.20 (8) WITHDRAWAL OF WARRANT OR SUMMONS AND COMPLAINT. An unserved
11 warrant, or summons and complaint in a case in which an initial appearance has not
12 been held shall, at the request of the district attorney, be returned to the judge who
13 may dismiss the action. Such court, and the court shall dismiss the action. The
14 request shall be in writing, it and shall state the reasons therefor in writing and shall
15 be filed with the clerk for which it is made.

16 **SECTION 40.** 968.03 (3) of the statutes is amended to read:

17 968.03 (3) The dismissals in ~~subs.~~ sub. (1) ~~and (2)~~ are without prejudice.

18 **SECTION 41.** 968.04 (title) of the statutes is renumbered 969.20 (title) and
19 amended to read:

20 **969.20 (title)** **Warrant Issuance of arrest warrant or summons on**
21 **complaint.**

22 **SECTION 42.** 968.04 (1) (intro.) of the statutes is renumbered 969.20 (1) and
23 amended to read:

24 969.20 (1) WARRANTS IN GENERAL. ~~If it appears from the complaint, or from an~~
25 ~~affidavit or affidavits filed with the complaint or after an examination under oath of~~

1 ~~the complainant or witnesses, when the a judge determines that this is necessary,~~
2 ~~that~~ there is probable cause to believe that an offense has been committed and that
3 the accused has committed it, the judge shall issue a warrant for the arrest of the
4 defendant accused or a summons in lieu thereof. The probable cause determination
5 may be based on a criminal complaint, an affidavit filed with the criminal complaint,
6 or if the judge determines it is necessary, after an examination under oath of the
7 complainant or witness. The warrant or summons shall be delivered forthwith to a
8 law enforcement officer for service. If the judge does not find probable cause to
9 believe that an offense has been committed or that the accused has committed it, the
10 judge shall record that finding on the complaint, file the complaint with the clerk,
11 and dismiss the action.

12 **SECTION 43.** 968.04 (1) (a) of the statutes is repealed.

13 **SECTION 44.** 968.04 (1) (b) of the statutes is renumbered 969.20 (4) and
14 amended to read:

15 969.20 (4) ISSUANCE BY JUDGE FROM ANOTHER COUNTY. ~~A warrant or summons~~
16 ~~may be issued by a judge in another county~~ may issue a warrant or summons when
17 there is no available judge of the county in which the complaint is issued. The
18 warrant or summons shall be returnable ~~before a judge to a court~~ in the county in
19 which the offense ~~alleged in the complaint~~ was committed, and the summons shall
20 be returnable before the circuit court of the county in which the offense alleged in the
21 complaint was committed issued.

22 **SECTION 45.** 968.04 (1) (c) of the statutes is renumbered 969.20 (5) and
23 amended to read:

24 969.20 (5) GEOGRAPHICAL LIMITS. A judge issuing an arrest warrant may specify
25 geographical limits for its enforcement ~~of a warrant.~~

1 **SECTION 46.** 968.04 (1) (d) of the statutes is renumbered 969.20 (3) and
2 amended to read:

3 969.20 (3) EXAMINATION BY TELEPHONE. ~~An A judge may permit an~~ examination
4 of the complainant or witness under sub. (1) ~~may or (2) to~~ take place by telephone on
5 request of the person seeking the warrant or summons unless good cause to the
6 contrary appears. The judge shall place each complainant or witness under oath and
7 arrange for all sworn testimony to be recorded, either by a stenographic reporter or
8 by means of a voice recording device. The judge shall have the record transcribed.
9 The transcript, certified as accurate by the judge or reporter, as appropriate, shall
10 be filed with the court. If the testimony was recorded by means of a voice recording
11 device, the judge shall also file the original recording with the court.

12 **SECTION 47.** 968.04 (2) (title) of the statutes is repealed.

13 **SECTION 48.** 968.04 (2) (a) of the statutes is renumbered 969.20 (7) (a) and
14 amended to read:

15 969.20 (7) (a) ~~In After issuing a complaint in~~ any case, the district attorney,
16 ~~after the issuance of a complaint,~~ may issue a summons in lieu of requesting the
17 issuance of a warrant. The complaint district attorney shall then be filed file the
18 complaint with the clerk.

19 **SECTION 49.** 968.04 (2) (b) of the statutes is renumbered 969.20 (7) (b).

20 **SECTION 50.** 968.04 (2) (c) of the statutes is repealed.

21 **SECTION 51.** 968.04 (3) (a) (intro.) of the statutes is renumbered 969.21 (1)
22 (intro.) and amended to read:

23 969.21 (1) WARRANT MANDATORY PROVISIONS. (intro.) The An arrest warrant
24 shall meet all of the following requirements:

1 **SECTION 52.** 968.04 (3) (a) 1. to 6. of the statutes are renumbered 969.21 (1) (a)
2 to (f) and amended to read:

3 969.21 (1) (a) ~~Be~~ The warrant shall be in writing and signed by the judge.

4 (b) ~~State~~ The warrant shall state the name of the crime the defendant allegedly
5 committed and the number of the statutory section ~~charged and number of the~~
6 ~~section alleged to have been~~ that the defendant allegedly violated.

7 (c) ~~Have~~ The warrant shall have attached to it a copy of the complaint.

8 (d) ~~State~~ The warrant shall state the name of the person to be arrested, if
9 known, or if not known, designate the person to be arrested by any description by
10 which the person to be arrested can be identified with reasonable certainty.

11 (e) ~~State~~ The warrant shall state the date when it was issued ~~and, the name~~
12 ~~of the judge who issued it together with, and~~ the title of the judge's office.

13 (f) ~~Command~~ The warrant shall command that the person ~~against whom the~~
14 ~~complaint was made~~ alleged to have committed the crime in par. (b) be arrested and,
15 except as provided in s. 969.20 (4), be brought before the judge issuing the warrant,
16 or, if the judge is absent or unable to act, before some other judge in the same county.

17 **SECTION 53.** 968.04 (3) (a) 7. of the statutes is renumbered 969.26 (1) and
18 amended to read:

19 969.26 (1) ARREST WARRANT. ~~The~~ An arrest warrant shall be in substantially the
20 following form:

21 STATE OF WISCONSIN,

22 County

23 State of Wisconsin

24 vs.

25 (Defendant(s))

1 THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

2 A complaint or affidavit, copy of which is attached, having has been filed with
3 me or testimony has been presented before me accusing the defendant(s) of
4 committing the crime of contrary to sec., Stats., and I having have found that
5 there is probable cause ~~exists that the crime was committed by~~ to believe the
6 defendant(s) committed that crime.

7 You are, therefore, commanded to arrest the defendant(s) and bring before
8 me, ~~or, if I am not available, before some other~~ a judge of this county.

9 Dated, (year)

10(Signature)

11(Title)

12 **SECTION 54.** 968.04 (3) (a) 8. of the statutes is repealed.

13 **SECTION 55.** 968.04 (3) (b) (title) of the statutes is renumbered 969.22 (title).

14 **SECTION 56.** 968.04 (3) (b) 1. of the statutes is renumbered 969.22 (1) and
15 amended to read:

16 969.22 (1) MANDATORY PROVISIONS. The summons shall command the defendant
17 to appear before a court at a certain time and place and shall be in substantially the
18 form set forth in subd. 3. s. 969.26 (2). The complaint and summons may be on the
19 same form. If they are, the summons shall be beneath the complaint. If separate
20 forms are used, a copy of the complaint shall be attached to the summons.

21 **SECTION 57.** 968.04 (3) (b) 2. of the statutes is renumbered 969.22 (2) and
22 amended to read:

23 969.22 (2) SERVICE. A summons may be served anywhere in the state and it
24 shall be served by delivering a copy to the defendant personally ~~or~~, by leaving a copy
25 at ~~the defendant's~~ his or her usual place of abode with a person of discretion residing

1 ~~therein there~~, or by mailing a copy to the defendant's last-known address. It shall
2 ~~be served by a law enforcement officer.~~

3 **SECTION 58.** 968.04 (3) (b) 3. (intro.) of the statutes is renumbered 969.26 (2)
4 (intro.) and amended to read:

5 969.26 (2) SUMMONS. (intro.) The A summons shall be in substantially the
6 following form:

7 **SECTION 59.** 968.04 (3) (b) 3. a. of the statutes is repealed.

8 **SECTION 60.** 968.04 (3) (b) 3. b. (intro.) of the statutes is repealed.

9 **SECTION 61.** 968.04 (3) (b) 3. b. (form) of the statutes is renumbered 969.26 (2)
10 (form) and amended to read:

11 969.26 (2) (form)

12 STATE OF WISCONSIN,

13 County

14 State of Wisconsin

15 vs.

16 (Defendant)

17 THE STATE OF WISCONSIN TO SAID DEFENDANT:

18 ~~A complaint, copy of which is attached, having been made before me accusing~~
19 ~~the defendant of committing the crime of contrary to sec., Stats.~~

20 You,, ~~are, therefore, summoned to must appear before Branch of the~~
21 ~~court Circuit Court of County at the courthouse in the City of to answer~~
22 ~~said complaint, on, (year), at o'clock in the noon, and in case of your failure~~
23 ~~to appear, (date),, at ... a.m./p.m. If you do not appear, a warrant for your arrest~~
24 may be issued.

You have been charged with committing the crime of . . . in violation of section . . . of the Wisconsin Statutes. A copy of the complaint charging you with that crime is attached.

Dated, (year)

.... (Signature)

.... ~~District Attorney~~ (Title)

SECTION 62. 968.04 (4) of the statutes is renumbered 969.21 (2), and 969.21 (2) (a) to (d), as renumbered, are amended to read:

969.21 (2) (a) ~~The~~ Unless otherwise specified under s. 969.20 (5), an arrest warrant issued under this section shall be directed to all law enforcement officers of the state. ~~A warrant and~~ may be served anywhere in the state.

(b) A warrant is served by arresting the defendant and informing the defendant as soon as practicable of the nature of the crime with which ~~the defendant~~ he or she is charged.

(c) An arrest may be made by a law enforcement officer without a warrant in the law enforcement officer's possession when the law enforcement officer ~~has~~ knowledge reasonably believes that a warrant has been issued. In such case, the officer shall inform the defendant as soon as practicable of the nature of the crime with which the defendant is charged.

(d) The law enforcement officer arresting a defendant shall ~~endorse~~ record upon the warrant the time and place of the arrest and the law enforcement officer's fees and mileage therefor.

SECTION 63. 968.05 of the statutes is renumbered 969.23, and 969.23 (1) and (2), as renumbered, are amended to read:

1 969.23 (1) When a corporation or limited liability company is charged with the
2 ~~commission of~~ committing a criminal offense, the judge or district attorney shall
3 issue a summons setting forth the nature of the offense and commanding the
4 corporation or limited liability company to appear before a court at a specific time
5 and place. The corporation or limited liability company shall appear by a corporate
6 officer or an authorized agent other than defense counsel.

7 (2) The summons for the appearance of a corporation or limited liability
8 company may be served ~~as provided for service of a summons in the same way that~~
9 a summons is served upon a corporation or limited liability company in a civil action
10 under s. 801.11 (5). The summons ~~shall be returnable not less than~~ may not be
11 returnable until at least 10 days after service.

12 **SECTION 64.** 968.07 of the statutes is renumbered 969.16, and 969.16 (1) to (3),
13 as renumbered, are amended to read:

14 969.16 (1) ~~A~~ Except as provided in sub. (3), a law enforcement officer may
15 arrest a person when:

16 (a) The law enforcement officer has a warrant commanding that such person
17 be arrested; ~~or,~~

18 (b) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~
19 that a warrant for the person's arrest has been issued in this state; ~~or,~~

20 (c) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~
21 that a felony warrant for the person's arrest has been issued in another state; ~~or,~~

22 (d) ~~There are reasonable grounds~~ The law enforcement officer has probable
23 cause to believe that the person is committing or has committed a crime.

1 **(1m)** Notwithstanding sub. (1), a law enforcement officer shall arrest a person
2 when required to do so under s. 813.12 (7), 813.122 (10), 813.125 (6), 813.128 (1) (b),
3 or ~~968.075 (2) (a)~~ 969.27 (2) (a) or (5) (e).

4 **(2)** A law enforcement officer making a lawful arrest may command the aid of
5 any person, and such person shall have the same power as ~~that of~~ the law
6 enforcement officer.

7 **(3)** ~~If the alleged violator under~~ No law enforcement officer may arrest a person
8 alleged to have violated s. 948.55 (2) or 948.60 (2) (c) until at least 7 days after the
9 date of the shooting, if the person is or was the parent or guardian of a child who is
10 injured or dies as a result of ~~an accidental~~ the shooting, ~~no law enforcement officer~~
11 ~~may arrest the alleged violator until at least 7 days after the date of the shooting.~~

12 **SECTION 65.** 968.075 (title) of the statutes is renumbered 969.27 (title).

13 **SECTION 66.** 968.075 (1) of the statutes is renumbered 969.27 (1).

14 **SECTION 67.** 968.075 (2) (a) of the statutes is renumbered 969.27 (2) (a), and
15 969.27 (2) (a) (intro.), as renumbered, is amended to read:

16 969.27 **(2)** (a) (intro.) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1) and except as
17 provided in pars. (am) and (b), a law enforcement officer shall arrest and take a
18 person into custody if:

19 **SECTION 68.** 968.075 (2) (am) of the statutes is renumbered 969.27 (2) (am) and
20 amended to read:

21 969.27 **(2)** (am) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), unless the person's
22 arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (1) (b) or
23 sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is
24 generally not appropriate for a law enforcement officer to arrest anyone under par.
25 (a) other than the predominant aggressor.

1 **SECTION 69.** 968.075 (2) (ar) of the statutes is renumbered 969.27 (2) (ar).

2 **SECTION 70.** 968.075 (2) (b) of the statutes is renumbered 969.27 (2) (b).

3 **SECTION 71.** 968.075 (2m) of the statutes is renumbered 969.27 (2m) and
4 amended to read:

5 969.27 (2m) IMMEDIATE RELEASE PROHIBITED. Unless s. ~~968.08~~ 969.17 applies,
6 a law enforcement officer may not release a person whose arrest was required under
7 sub. (2) until the person ~~posts bail~~ remits a cash deposit under s. ~~969.07~~ 969.36 or
8 appears before a judge under s. 970.01 (1).

9 **SECTION 72.** 968.075 (3) of the statutes is renumbered 969.27 (3).

10 **SECTION 73.** 968.075 (4) of the statutes is renumbered 969.27 (4).

11 **SECTION 74.** 968.075 (5) of the statutes is renumbered 969.27 (5), and 969.27
12 (5) (e), as renumbered, is amended to read:

13 969.27 (5) (e) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), a law enforcement
14 officer shall arrest and take a person into custody if the officer has reasonable
15 grounds to believe that the person has violated par. (a).

16 **SECTION 75.** 968.075 (6) to (9) of the statutes are renumbered 969.27 (6) to (9).

17 **SECTION 76.** 968.08 of the statutes is renumbered 969.17 and amended to read:

18 **969.17 Release by law enforcement officer of arrested person.** ~~A~~ Except
19 as provided in s. 969.27 (5) (b) 1., a law enforcement officer having custody of a person
20 arrested without a warrant may release the person arrested with or without
21 requiring the person to appear before a judge ~~if the law enforcement officer is~~
22 ~~satisfied that there are insufficient grounds for the issuance of a criminal complaint~~
23 ~~against the person arrested or the district attorney.~~

24 **SECTION 77.** 968.085 (title) of the statutes is renumbered 969.24 (title) and
25 amended to read:

1 **969.24** (title) ~~Citation; nature; issuance; release of accused for~~
2 **misdemeanor.**

3 **SECTION 78.** 968.085 of the statutes is renumbered 969.24 (1) and amended to
4 read:

5 969.24 (1) NATURE. A citation under this section is a directive, issued by a law
6 enforcement officer, that a person appear in court ~~and answer criminal charges or the~~
7 district attorney's office. ~~A citation is not~~ The citation may be used as a criminal
8 complaint ~~and may not be used as a substitute for a criminal complaint if endorsed~~
9 by the district attorney as provided in sub. (5).

10 **SECTION 79.** 968.085 (2) (intro.) of the statutes is renumbered 969.24 (2) and
11 amended to read:

12 969.24 (2) AUTHORITY TO ISSUE; EFFECT. ~~Except as provided in sub. (8), a~~ A law
13 enforcement officer may issue a citation to any person whom he or she has ~~reasonable~~
14 grounds probable cause to believe has committed a misdemeanor. A citation may be
15 issued in the field ~~or at the headquarters or precinct station of the officer instead of~~
16 or subsequent to at any time after a lawful arrest. ~~If a citation is issued, the person~~
17 cited ~~shall be released on his or her own recognizance. In determining whether to~~
18 issue a citation, the law enforcement officer may consider whether:

19 **SECTION 80.** 968.085 (2) (a) to (f) of the statutes are repealed.

20 **SECTION 81.** 968.085 (3) (intro.) of the statutes is renumbered 969.24 (3)
21 (intro.).

22 **SECTION 82.** 968.085 (3) (a) of the statutes is renumbered 969.24 (3) (a) and
23 amended to read:

24 969.24 (3) (a) ~~Identify the offense and section which~~ State essential facts
25 constituting the crime the person is alleged to have allegedly committed and the

1 statutory section that the person allegedly violated, including the date, and if
2 material, identify the property and other persons involved of the offense and the
3 maximum penalty for the offense.

4 **SECTION 83.** 968.085 (3) (b) of the statutes is renumbered 969.24 (3) (b) and
5 amended to read:

6 969.24 (3) (b) ~~Contain~~ State the name and address of the person cited, or other
7 identification if ~~that~~ the person's name or address cannot be ascertained.

8 **SECTION 84.** 968.085 (3) (c) of the statutes is renumbered 969.24 (3) (c).

9 **SECTION 85.** 968.085 (3) (d) of the statutes is renumbered 969.24 (3) (d) and
10 amended to read:

11 969.24 (3) (d) Direct the person cited to appear ~~for his or her initial appearance~~
12 ~~in a designated court, at a designated~~ at a specified location and at a specified time
13 and date.

14 **SECTION 86.** 968.085 (4) of the statutes is renumbered 969.24 (4) and amended
15 to read:

16 969.24 (4) SERVICE. ~~A-~~ The officer issuing the citation shall give a copy of the
17 citation shall be delivered to the person cited, and file the original must be filed with
18 the district attorney.

19 **SECTION 87.** 968.085 (5) of the statutes is renumbered 969.24 (5) and amended
20 to read:

21 969.24 (5) REVIEW BY DISTRICT ATTORNEY. The district attorney shall review the
22 citation and may issue a complaint by endorsing the citation with his or her signature
23 or issue a separate complaint charging the cited person. If the district attorney
24 reviews the case before the return date and declines to prosecute, he or she shall
25 notify the law enforcement agency ~~which~~ that issued the citation. The law

1 enforcement agency shall attempt to notify the person cited that he or she will not
2 be charged and is not required to appear as directed in the citation.

3 **SECTION 88.** 968.085 (6) of the statutes is renumbered 969.24 (6).

4 **SECTION 89.** 968.085 (7) of the statutes is renumbered 969.24 (7) and amended
5 to read:

6 969.24 (7) ~~PREPARATION OF FORM.~~ The judicial conference shall prescribe the
7 form and content of the citation under s. 758.171 shall be in substantially the same
8 form set forth in s. 969.26 (3).

9 **SECTION 90.** 968.085 (8) of the statutes is renumbered 969.24 (8) and amended
10 to read:

11 969.24 (8) **INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES.** A law enforcement
12 officer may not issue a citation to a person for an offense if the officer is required to
13 arrest the person for that offense under s. 968.075 969.27 (2).

14 **SECTION 91.** 968.09 (title) of the statutes is renumbered 969.50 (title) and
15 amended to read:

16 **969.50 (title) ~~Warrant~~ Bench warrant on failure to appear.**

17 **SECTION 92.** 968.09 (1) of the statutes is renumbered 969.50 (1) and amended
18 to read:

19 969.50 (1) When a defendant ~~or a witness~~ fails to appear before the court as
20 required, or violates a term of the defendant's or witness's bond or the defendant's
21 ~~or witness's probation, if any,~~ or condition of release, the court may issue a bench
22 warrant for the defendant's ~~or witness's~~ arrest which shall direct that the defendant
23 ~~or witness~~ be brought before the court without unreasonable delay. The court shall
24 state on the record at the time of issuance of the bench warrant the reason therefor.

25 **SECTION 93.** 968.09 (2) of the statutes is repealed.

1 **SECTION 94.** Chapter 969 (title) of the statutes is repealed and recreated to
2 read:

3 **CHAPTER 969**
4 **SECURING A DEFENDANT'S**
5 **APPEARANCE; RELEASE**

6 **SECTION 95.** 969.001 (intro.) of the statutes is renumbered 969.30 (intro.).

7 **SECTION 96.** 969.001 (1) of the statutes is renumbered 969.30 (1) and amended
8 to read:

9 969.30 (1) "Bail" means monetary conditions of release on bond.

10 **SECTION 97.** 969.001 (2) of the statutes is repealed.

11 **SECTION 98.** 969.01 (title) of the statutes is renumbered 969.31 (title).

12 **SECTION 99.** 969.01 (1) of the statutes is renumbered 969.31 (1) and amended
13 to read:

14 969.31 (1) BEFORE CONVICTION. ~~Before conviction, except~~ Except as provided in
15 ss. 969.035 969.43 and 971.14 (1), a defendant arrested for a ~~criminal offense~~ crime
16 is eligible for release before conviction under reasonable conditions designed to
17 assure ensure his or her appearance in court, protect members of the community
18 from serious bodily harm, or prevent the intimidation of witnesses. ~~Bail may be~~
19 ~~imposed at or after the initial appearance only upon a finding by the court that there~~
20 ~~is a reasonable basis to believe that bail is necessary to assure appearance in court.~~
21 ~~In determining whether any conditions of release are appropriate, the judge shall~~
22 ~~first consider the likelihood of the defendant appearing for trial if released on his or~~
23 ~~her own recognizance.~~

24 **SECTION 100.** 969.01 (2) (title) of the statutes is repealed.

1 **SECTION 101.** 969.01 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
2 100, is renumbered 969.31 (2) and amended to read:

3 969.31 (2) AFTER CONVICTION. ~~Release pursuant to s. 969.02 or 969.03 may be~~
4 ~~allowed in the discretion of~~ In its discretion the trial court may allow release on
5 conditions after conviction and prior to sentencing ~~or the granting of probation.~~ This
6 paragraph does not apply to a conviction for a 3rd or subsequent violation that is
7 counted as a suspension, revocation, or conviction under s. 343.307, or under s.
8 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

9 **SECTION 102.** 969.01 (2) (b), (c), (d) and (e) of the statutes are repealed.

10 **SECTION 103.** 969.01 (3) of the statutes is renumbered 969.18 and amended to
11 read:

12 **969.18 ~~Bail for witness~~ Arrest of a witness and release on bond.** If it
13 appears by affidavit or examination under oath that there is probable cause to
14 believe that the testimony of a person is material in any ~~felony~~ criminal proceeding
15 and that it may become impracticable to secure the person's presence by subpoena,
16 the judge may ~~require such person to give bail~~ set conditions of release for the
17 person's appearance as a witness. If the witness is not in court, a warrant for the
18 person's arrest may be issued and upon return thereof the court may ~~require the~~
19 ~~person to give bail as provided in s. 969.03~~ set conditions of release for the person's
20 appearance as a witness. If the person fails to ~~give bail~~ satisfy the conditions of
21 release, the person may be committed to the custody of the sheriff for a period not to
22 exceed 15 days within which time the person's deposition shall be taken as provided
23 in s. 967.04.

24 **SECTION 104.** 969.01 (4) of the statutes is renumbered 969.33 (1) (intro.) and
25 amended to read:

1 969.33 (1) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. (intro.) If bail is
2 imposed, it shall be only in the amount found necessary to assure the appearance of
3 the defendant. ~~Conditions of release, other than monetary conditions, may be~~
4 ~~imposed for the purpose of protecting members of the community from serious bodily~~
5 ~~harm or preventing intimidation of witnesses. Proper considerations in In~~
6 determining whether to release the defendant without bail, monetary conditions, in
7 fixing monetary conditions in a reasonable amount of bail ~~or, or in~~ imposing other
8 reasonable conditions of release ~~are: the, the court, judge, or justice may consider,~~
9 without limitation, any of the following:

10 (a) The ability of the arrested person to give bail, ~~the,~~

11 (b) The nature, number, and gravity of the alleged offenses and the potential
12 penalty the defendant faces, ~~whether,~~

13 (c) Whether the alleged acts were violent in nature, ~~the,~~

14 (d) The defendant's prior ~~record of criminal convictions and delinquency~~
15 adjudications criminal record, if any, ~~the,~~

16 (e) The character, health, residence, and reputation of the defendant, ~~the,~~

17 (f) The character and strength of the evidence which has been presented to the
18 judge, ~~whether,~~

19 (g) Whether the defendant is currently on probation, extended supervision or
20 parole, ~~whether,~~

21 (h) Whether the defendant is already ~~on bail or~~ subject to other release
22 conditions in other pending cases, ~~whether the defendant has been bound over for~~
23 ~~trial after a preliminary examination, whether,~~

24 (i) Whether the defendant has in the past forfeited bail bond or violated a
25 condition of release or was a fugitive from justice at the time of arrest, ~~and the,~~

1 (j) The policy against unnecessary detention of the defendant's a defendant
2 pending trial.

3 **SECTION 105.** 969.02 of the statutes is repealed.

4 **SECTION 106.** 969.03 of the statutes is repealed.

5 **SECTION 107.** 969.035 of the statutes is renumbered 969.43, and 969.43 (4), (5),
6 (7), (8) and (10), as renumbered, are amended to read:

7 969.43 (4) If the court determines that the district attorney has complied with
8 sub. (3), the court may order that the detention of a person who is currently in custody
9 be continued or may issue a warrant commanding any law enforcement officer to
10 bring the defendant without unnecessary delay before the court. When the
11 defendant is brought before the court, he or she shall be given a copy of the documents
12 specified in sub. (3) and informed of his or her rights under this section and s. 970.02
13 ~~(1) and (6)~~ 971.03.

 ****NOTE: This subsection refers to a cross-reference that is being changed in
another draft.

14 (5) A pretrial detention hearing is a hearing before a court for the purpose of
15 determining if the continued detention of the defendant is justified. A pretrial
16 detention hearing may be held in conjunction with a ~~preliminary examination under~~
17 ~~s. 970.03 or a~~ conditional release revocation hearing under s. ~~969.08~~ 969.44 (5) (b),
18 but separate findings shall be made by the court relating to the pretrial detention,
19 ~~preliminary examination~~ and conditional release revocation. The pretrial detention
20 hearing shall be commenced within 10 days from the date the defendant is detained
21 or brought before the court under sub. (4). The defendant may not be denied release
22 from custody ~~in accordance with s. 969.03~~ for more than 10 days prior to the hearing
23 required by this subsection.

1 (7) If the court does not make the findings under sub. (6) (a) and (b) and the
2 defendant is otherwise eligible, the defendant shall be released from custody with or
3 without conditions in accordance with s. ~~969.03~~ ss. 969.31 to 969.33.

4 (8) If the court makes the findings under sub. (6) (a) and (b), the court may deny
5 bail to the defendant for an additional period not to exceed 60 days following the
6 hearing. If the time period passes and the defendant is otherwise eligible, he or she
7 shall be released from custody with or without conditions in accordance with s. ~~s.~~
8 ~~969.03~~ ss. 969.31 to 969.33.

9 (10) The defendant may petition the court to be released from custody with or
10 without conditions in accordance with s. ~~969.03~~ ss. 969.31 to 969.33 at any time.

11 SECTION 108. 969.04 of the statutes is renumbered 969.40 and amended to
12 read:

13 **969.40 Surety may satisfy default.** ~~Any~~ If a defendant fails to comply with
14 the conditions of his or her bond, any surety may, ~~after default,~~ pay to the clerk of the
15 court the amount for which the surety was bound, or such lesser sum as the court,
16 after notice and hearing, may direct, and thereupon be discharged.

17 SECTION 109. 969.05 of the statutes is repealed.

18 SECTION 110. 969.065 of the statutes is renumbered 969.34 and amended to
19 read:

20 **969.34 Judicial conference; bail alternatives Bail schedule.** The judicial
21 conference shall develop guidelines, which the supreme court shall adopt by rule, for
22 ~~cash bail for releasing on bond~~ persons accused of misdemeanors ~~which the supreme~~
23 ~~court shall adopt by rule.~~ The guidelines shall relate primarily to individuals. ~~The~~
24 ~~guidelines and~~ may be revised from time to time under this section.

1 **SECTION 111.** 969.07 of the statutes is renumbered 969.36 and amended to
2 read:

3 **969.36 Taking of bail cash deposit by law enforcement officer.** When
4 bail has monetary conditions of release have been set before the initial appearance
5 for a particular defendant, any law enforcement officer may take ~~bail in accordance~~
6 ~~with s. 969.02~~ a cash deposit and release the defendant to appear at a specified time
7 and place in accordance with the conditions of ~~the appearance~~ stated in the bond.
8 Bail shall not be required of a defendant who has been cited for commission of a
9 misdemeanor in accordance with s. 968.085. The law enforcement officer shall give
10 a receipt to the defendant for the ~~bail so taken~~ deposit and within a reasonable time
11 deposit the bail it with the clerk of court ~~before whom~~ where the defendant is to
12 appear. ~~Bail taken by a law enforcement officer may be taken~~ A law enforcement
13 officer may take a cash deposit only at a sheriff's office or police station. ~~The receipts~~
14 ~~shall be numbered serially and shall be in triplicate, one copy for the defendant, one~~
15 ~~copy to be filed with the clerk and one copy to be filed with the police or sheriff's~~
16 ~~department which takes the bail.~~ This section does not require the release of a
17 defendant from custody when an officer is of the opinion that the defendant is not in
18 a fit condition to care for his or her own safety or would constitute, because of his or
19 her physical condition, a danger to the safety of others. If a defendant is not released
20 under this section, s. ~~970.01~~ 971.02 shall apply.

 ***NOTE: The cross-reference is to a statutory section that is being changed in
another draft.

21 **SECTION 112.** 969.08 (title) of the statutes is renumbered 969.51 (title) and
22 amended to read:

1 **969.51** (title) ~~Grant, reduction, increase or revocation~~ **Violations** of
2 **conditions of release.**

3 **SECTION 113.** 969.08 (1), (2), (3) and (4) of the statutes are repealed.

4 **SECTION 114.** 969.08 (5) (a) of the statutes is renumbered 969.51 (1) (a).

5 **SECTION 115.** 969.08 (5) (b) 1. of the statutes is renumbered 969.51 (1) (b) 1. and
6 amended to read:

7 969.51 **(1)** (b) 1. If the court determines that the state has complied with par.
8 (a), the court may issue a warrant commanding any law enforcement officer to bring
9 the defendant without unnecessary delay before the court. When the defendant is
10 brought before the court, he or she shall be given a copy of the documents specified
11 in par. (a) and informed of his or her rights under s. ~~970.02 (1) and (6)~~ 971.03. The
12 court may hold the defendant in custody and suspend the previously imposed
13 conditions of release pending a hearing on the alleged breach. ~~The hearing under~~
14 ~~this paragraph and the preliminary examination under s. 970.03, if required, shall~~
15 ~~be a combined hearing, with the court making the separate findings required under~~
16 ~~this paragraph and s. 970.03 at the conclusion of the combined hearing.~~ The hearing
17 shall be commenced within 7 days from the date the defendant is taken into custody.
18 The defendant may not be held without setting conditions of release for more than
19 7 days unless a hearing is held and the findings required by this paragraph are
20 established.

21 **SECTION 116.** 969.08 (5) (b) 2. of the statutes is renumbered 969.51 (1) (b) 2.

22 **SECTION 117.** 969.08 (5) (b) 3. of the statutes is renumbered 969.51 (1) (b) 3. and
23 amended to read:

24 969.51 **(1)** (b) 3. Upon a finding by the court that the state has established by
25 clear and convincing evidence that the defendant has committed a serious crime

1 while on conditional release, the court may revoke the release of the defendant and
2 hold the defendant for trial without setting conditions of release. No reference may
3 be made during the trial of the offense to the court's finding in the hearing. No
4 reference may be made in the trial to any testimony of the defendant at the hearing,
5 except if the testimony is used for impeachment purposes. If the court does not find
6 that the state has established by clear and convincing evidence that the defendant
7 has committed a serious crime while on conditional release, the defendant shall be
8 released on ~~bail or other~~ conditions deemed appropriate by the court.

9 **SECTION 118.** 969.08 (5) (b) 4. of the statutes is renumbered 969.51 (1) (b) 4. and
10 amended to read:

11 969.51 (1) (b) 4. If the release of any defendant is revoked under subd. 3., the
12 defendant may demand and shall be entitled to be brought to trial on the offense with
13 respect to which he or she was formerly released on conditions within 60 days after
14 the date on which he or she appeared before the court under subd. 1. If the defendant
15 is not brought to trial within the 60-day period he or she shall not be held longer
16 without setting conditions of release and shall be released on ~~bail or other~~ conditions
17 deemed appropriate by the court. In computing the 60-day period, the court shall
18 omit any period of delay if the court finds that the delay results from a continuance
19 granted at the exclusive request of the defendant.

20 **SECTION 119.** 969.08 (5) (b) 5. of the statutes is renumbered 969.51 (1) (b) 5.

21 **SECTION 120.** 969.08 (6) of the statutes is renumbered 969.51 (2).

22 **SECTION 121.** 969.08 (7) of the statutes is renumbered 969.51 (3) and amended
23 to read:

24 969.51 (3) If a person is charged with the commission of a serious crime in a
25 county other than the county in which the person was released on conditions, the

1 district attorney and court may proceed under sub. ~~(6)~~ (1) and certify the findings to
2 the circuit court for the county in which the person was released on conditions. That
3 circuit court shall make the release revocation decision based on the certified
4 findings.

5 **SECTION 122.** 969.08 (8) of the statutes is renumbered 969.51 (4) and amended
6 to read:

7 969.51 **(4)** Information stated in, or offered in connection with, any order
8 entered under this chapter setting ~~bail or other~~ conditions of release need not
9 conform to the rules of evidence, except as provided under sub. ~~(5)~~ (1) (b) 2. or s.
10 901.05.

11 **SECTION 123.** 969.08 (9) of the statutes is renumbered 969.51 (5).

12 **SECTION 124.** 969.08 (9m) of the statutes is renumbered 969.51 (6) and
13 amended to read:

14 969.51 **(6)** A person who has had ~~bail~~ bond revoked under this section is entitled
15 to placement of his or her case on an expedited trial calendar and his or her trial shall
16 be given priority.

17 **SECTION 125.** 969.08 (10) of the statutes is renumbered 969.51 (7).

18 **SECTION 126.** 969.09 of the statutes is repealed.

19 **SECTION 127.** 969.11 of the statutes is renumbered 969.35 and amended to
20 read:

21 **969.35 Release upon arrest in another county.** **(1)** If the defendant is
22 arrested in a county other than the county in which the offense was committed, he
23 or she shall, without unreasonable delay, ~~either be brought before a judge of the~~
24 ~~county in which arrested~~ and for the purpose of setting ~~bail or other~~ conditions of
25 release, be brought before a judge either of the county where he or she was arrested

1 or ~~be returned to the county in which~~ where the offense was committed. ~~The~~ If the
2 defendant is brought before a judge in the county where he or she was arrested, the
3 judge shall release him or her on conditions imposed in accordance with this chapter
4 to appear before a court in the county in which the offense was committed at a
5 specified time and place.

6 (2) ~~If the defendant is released on bail or other conditions pursuant to a judge~~
7 ~~of a county other than the county where the offense is committed released the~~
8 ~~defendant under~~ sub. (1), the judge shall make a record of the proceedings ~~and, shall~~
9 certify his or her minutes ~~thereof of the proceedings~~, and shall forward the bond ~~and~~
10 ~~bail~~ to the court before whom the defendant is bound to appear.

11 SECTION 128. 969.12 of the statutes is renumbered 969.39.

12 SECTION 129. 969.13 of the statutes is repealed.

13 SECTION 130. 969.14 of the statutes is repealed.

14 SECTION 131. Subchapter I (title) of chapter 969 [precedes 969.15] of the
15 statutes is created to read:

16 CHAPTER 969

17 SUBCHAPTER I

18 ARRESTS, SUMMONSES, AND CITATIONS

19 SECTION 132. 969.15 of the statutes is created to read:

20 **969.15 Securing the defendant's initial appearance.** The initial
21 appearance of a person charged with a crime may be secured in any of the following
22 ways:

23 (1) By the person's voluntary appearance.

24 (2) By the person's appearance in response to a citation.

25 (3) By the person's appearance in response to a summons.

1 **(4)** By the person's arrest, with or without a warrant.

2 **(5)** By the person's appearance in response to a condition of release from
3 custody.

4 **(6)** By the person's appearance in response to a judicial order to produce a
5 person already in custody.

6 **SECTION 133.** 969.19 of the statutes is created to read:

7 **969.19 Probable cause determination for warrantless arrests.** For any
8 person who is arrested without a warrant and not sooner released from custody,
9 within 48 hours after the arrest a judge shall determine whether there was probable
10 cause to arrest the person. After 48 hours, including weekends and holidays, have
11 elapsed from the arrest of the person with no judicial determination of probable
12 cause the person shall be released under s. 969.32 (1) unless the delay is excused by
13 the existence of a bona fide emergency or other extraordinary circumstance.

14 **SECTION 134.** 969.20 (2) of the statutes is created to read:

15 **969.20 (2) WARRANT WITHOUT A CRIMINAL COMPLAINT.** Upon the request of the
16 district attorney and subject to sub. (8), a judge may issue an arrest warrant without
17 a criminal complaint if the judge determines, based on an affidavit filed with the
18 court or an examination under oath of a person, that there is probable cause to
19 believe that an offense has been committed and that the person named in the
20 warrant has committed it.

 ****NOTE: 01-0495 contained sub. (3) WARRANT UNNECESSARY AFTER ARREST, which
 was renumbered and amended s. 968.04 (1) (a). Judicial council notes requested that this
 subsection be deleted from this draft.

21 **SECTION 135.** 969.20 (6) of the statutes is created to read:

22 **969.20 (6) CONDITIONS OF RELEASE ON WARRANT.** A judge issuing a warrant may
23 specify conditions of release.

1 **SECTION 136.** 969.20 (7) (title) of the statutes is created to read:

2 969.20 **(7)** (title) SUMMONS IN LIEU OF WARRANT.

3 **SECTION 137.** 969.21 (title) of the statutes is created to read:

4 **969.21** (title) **Arrest warrants.**

5 **SECTION 138.** 969.24 (2m) of the statutes is created to read:

6 969.24 **(2m)** RELEASE AFTER CITATION. A law enforcement officer citing a person
7 for a misdemeanor shall release the person without a cash bond unless any of the
8 following apply:

9 (a) The accused has not given proper identification.

10 (b) The accused is not willing to sign the citation.

11 (c) The accused appears to represent a danger of harm to himself or herself,
12 another person or property.

13 (d) The accused cannot show sufficient evidence of ties to the community.

14 (e) The accused has previously failed to appear in response to a citation,
15 subpoena, summons, or order of the court.

16 (f) Arrest or further detention appears necessary to carry out legitimate
17 investigative action in accordance with law enforcement agency policies.

18 **SECTION 139.** 969.25 of the statutes is created to read:

19 **969.25 Release on bond by district attorney. (1)** (a) Except as provided
20 in s. 969.24, upon consent of the district attorney, an individual who has been
21 arrested and taken into custody may be released before the initial appearance upon
22 signing a bond, obligating the individual to appear in court for an initial appearance
23 at a time and place specified in the bond and to comply with any other specified
24 conditions required by the district attorney under sub. (2).

1 (b) In determining whether to consent to release on bond, the district attorney
2 may consider whether any of the following applies:

- 3 1. The defendant has provided proper identification.
- 4 2. The defendant is willing to comply with the conditions of the bond.
- 5 3. The defendant appears to pose a danger to himself or herself, another person,
6 or property.
- 7 4. The defendant can show sufficient evidence of ties to the community.
- 8 5. The defendant has previously failed to appear in response to a citation,
9 subpoena, summons, or order of court.
- 10 6. Further detention appears necessary to carry out legitimate investigative
11 activities.

12 (2) The district attorney may not impose monetary conditions of release under
13 this section. If he or she releases a defendant under this section, the district attorney
14 shall impose the conditions mandated by ss. 969.23 (3) and 969.27 and may also
15 impose any of the following conditions:

16 (a) The defendant shall report any change of address within 48 hours to the
17 district attorney.

18 (b) The defendant shall appear at specified times and places for investigative
19 purposes.

20 (c) The defendant may not contact, directly or indirectly, specified persons.

21 (d) The defendant may not possess any dangerous weapon.

22 (e) The defendant may not consume any alcoholic beverage.

23 (f) The defendant may not go to designated geographical areas or premises.

24 (g) The defendant shall submit to supervision by a qualified person or
25 organization agreeing to supervise the defendant.

(h) Any other reasonable, nonmonetary condition.

(3) Any bond executed under this section shall include all of the following:

(a) The conditions of release.

(b) Notice that the violation of any condition of release is punishable under s. 946.49.

(c) Notice that the defendant is entitled to the assistance of counsel and instructions for obtaining such assistance if he or she is indigent.

(d) Notice that the defendant may move the court to modify the conditions of release.

(4) Conditions of release under this section expire upon the initial appearance unless continued by the judge. Signing a bond under this section does not preclude the individual from seeking judicial relief from its terms.

(5) A defendant shall be given a copy of the bond.

SECTION 140. 969.26 (title) of the statutes is created to read:

969.26 (title) Forms.

SECTION 141. 969.26 (3) of the statutes is created to read:

969.26 **(3)** CITATION. A citation shall be in substantially the following form:

MISDEMEANOR CITATION

Section 969.26 Wis. Stats.

Deposit Permitted: \$

Circuit Court for County

The undersigned complains for and on behalf of the State of Wisconsin upon information and belief that on or about (day), (date of violation), at (time); in County, town/ village/ city of; (defendant's name); (date of birth), (sex), (street address, city, state, zip code), (race), (eye color),

1 (hair color), (weight), (height); did the following (state facts of violation)
2 in violation of section(s) of the (year) Wisconsin Statutes and requests that
3 the defendant may be held to answer for the violation.

4 Dated, (year)

5 (Signature of officer)

6 Signed by (Name), (Dept./Agency)

7 (Title), (Badge Number)

8 You are hereby notified to appear in the

9 () Circuit Court named above

10 () District Attorney's Office

11 located at (street address, city)

12 on (date), at (time).

13 The maximum penalty for this violation is:

14 () Fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both
15 (Class A Misdemeanor).

16 () Fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both
17 (Class B Misdemeanor).

18 () Fine not to exceed \$500 or imprisonment not to exceed 30 days, or both (Class
19 C Misdemeanor).

20 PROMISE TO APPEAR

21 I have received a copy of this citation. I promise to appear in court at the
22 time and place specified. Signing this citation is not an admission of guilt.

23 (Defendant's signature)

24 (Defendant's address)

25 (Defendant's phone number)

ENDORSEMENT BY DISTRICT ATTORNEY

I have reviewed this citation and approve its use as a criminal complaint
under s. 696.10 (6).

Dated ..., ... (year)

.... (District Attorney's signature)

.... (Title)

SECTION 142. Subchapter II (title) of chapter 969 [precedes 969.30] of the
statutes is created to read:

CHAPTER 969**SUBCHAPTER II****COURT-ORDERED RELEASE**

SECTION 143. 969.30 (2) of the statutes is created to read:

969.30 (2) "Bond" means a promise by a person in custody to appear in court
as required and to comply with other conditions.

SECTION 144. 969.30 (3) to (7) of the statutes are created to read:

969.30 (3) "Personal recognizance bond" means a bond without monetary
conditions of release.

(4) "Secured appearance bond" means a bond with monetary conditions of
release that require the depositing of cash or the pledging of property as security.
The court may order that the bond be secured by the defendant or by a surety.

(5) "Serious bodily harm" means bodily injury that causes or contributes to the
death of a human being; bodily injury that creates a substantial risk of death; bodily
injury that causes serious permanent disfigurement; bodily injury that causes a
permanent or protracted loss or impairment of the function of any bodily member or
organ; or other serious bodily injury.

1 **(6)** “Surety” means a person who guarantees payment of the amount specified
2 in a monetary condition of release if the defendant does not appear in court as
3 required.

4 **(7)** “Unsecured appearance bond” means a bond with monetary conditions of
5 release that do not require the depositing of cash or the pledging of property as
6 security.

7 **SECTION 145.** 969.31 (3) of the statutes is created to read:

8 969.31 **(3)** AFTER SENTENCING. After sentencing and before service of the
9 sentence begins, the trial court may continue the conditions of release or impose new
10 conditions of release.

11 **SECTION 146.** 969.31 (4) of the statutes is created to read:

12 969.31 **(4)** PENDING APPEAL. Release after sentencing, pending appeal, is
13 governed by ss. 809.31 and 974.08.

14 **SECTION 147.** 969.32 of the statutes is created to read:

15 **969.32 Types of release.** In any case where release is allowed, the court shall
16 do one of the following:

17 **(1)** Release the defendant to return on a date certain, without conditions.

18 **(2)** Release the defendant on a personal recognizance bond.

19 **(3)** Release the defendant on an unsecured appearance bond.

20 **(4)** Release the defendant on a secured appearance bond.

21 **SECTION 148.** 969.33 (title) of the statutes is created to read:

22 **969.33 (title) Conditions of release.**

23 **SECTION 149.** 969.33 (2) of the statutes is created to read:

24 969.33 **(2)** RULES OF EVIDENCE DO NOT APPLY. Information stated in or offered in
25 connection with any order entered under this chapter setting conditions of release

1 need not conform to the rules of evidence, except as provided under s. 901.05 or
2 969.51.

3 **SECTION 150.** 969.33 (3) of the statutes is created to read:

4 969.33 (3) MONETARY CONDITIONS. The court may impose monetary conditions
5 of release only if it finds that there is a reasonable basis to believe that they are
6 necessary to ensure the defendant's appearance in court. In a misdemeanor case the
7 amount of money specified in a monetary condition of release may not exceed the
8 maximum fine provided for the crime charged.

9 **SECTION 151.** 969.33 (4) of the statutes is created to read:

10 969.33 (4) MANDATORY CONDITIONS. The following conditions shall be imposed
11 as terms of any bond under s. 969.32 (2) to (4) and shall be printed on the bond:

12 (a) The defendant shall appear in the court having jurisdiction on a day certain
13 and thereafter as ordered until discharged on final order of the court and shall
14 submit to the orders and process of the court.

15 (b) The defendant shall give written notice to the clerk of any change in his or
16 her address within 48 hours after the change.

17 (c) The defendant may not commit any crime.

18 (d) The defendant shall not violate, cause any person to violate, or permit any
19 person to violate on the defendant's behalf ss. 940.22 to 940.45.

20 **SECTION 152.** 969.33 (5) to (7) of the statutes are created to read:

21 969.33 (5) OTHER CONDITIONS. Whenever a defendant is released on bond under
22 s. 969.32 (2) to (4), the court may impose reasonable conditions other than those
23 required under sub. (4), including conditions doing any of the following:

24 (a) Prohibiting the defendant from contacting, directly or indirectly, specified
25 persons or going to specified places.

1 (b) Prohibiting the defendant from possessing any dangerous weapon.

2 (c) Prohibiting the defendant from consuming alcohol beverages.

3 (d) Restricting the travel, association, or place of residence of the defendant.

4 (e) Requiring that the defendant return to custody after specified hours. The
5 charges authorized by s. 303.08 (4) and (5) do not apply under this paragraph.

6 (f) Placing the defendant under the supervision of a designated person or
7 organization agreeing to supervise the defendant.

8 **(6) COPY OF BOND TO DEFENDANT.** The court shall provide the defendant a copy
9 of his or her bond.

10 **(7) MODIFYING CONDITIONS OF RELEASE.** Upon motion by the state or the
11 defendant, the court before which the action is pending may, following a hearing,
12 modify conditions of release or grant release if it has been previously revoked under
13 s. 969.41. Reasonable notice of the hearing shall be given to all parties.

14 **SECTION 153.** 969.37 of the statutes is created to read:

15 **969.37 Return of cash deposit to a 3rd party.** A person other than the
16 defendant who has deposited cash to obtain the release of the defendant on a secured
17 appearance bond, may, prior to the entry of a judgment of conviction or a judgment
18 of forfeiture under s. 969.42, apply to the court for an order returning the deposit.
19 After notice to the parties, the court shall hold a hearing at which the defendant must
20 be present. The court shall determine whether to remit the cash deposit in whole or
21 in part and may review and modify the conditions of release.

22 **SECTION 154.** 969.38 of the statutes is created to read:

23 **969.38 Disposition of cash deposits. (1) DEPOSIT APPLIED TO FINE OR COSTS.**

24 (a) When the court enters a judgment for a fine or costs or both in a case in which
25 a cash deposit has been made on a secured appearance bond, the court shall apply

1 the balance of the deposit, after deducting the bond costs, to the payment of the
2 judgment. The court shall then return any remaining balance of the deposit to the
3 person who made the deposit.

4 (b) All secured appearance bonds shall include notice of the requirements of
5 par. (a).

6 (2) RETURN OF DEPOSIT. If the complaint against the defendant is dismissed or
7 the defendant is acquitted in a case in which a cash deposit has been made on a
8 secured appearance bond, the entire sum deposited shall be returned. A deposit by
9 a surety shall be returned to the person who made the deposit.

10 (3) FORFEITURE EXCEPTION. Subsections (1) (a) and (2) do not apply if a cash
11 deposit is forfeited under s. 969.42.

12 **SECTION 155.** 969.41 of the statutes is created to read:

13 **969.41 Discharge of surety.** When a surety desires to be discharged from the
14 obligations of his or her bond, he or she may apply to the court for an order to that
15 effect. After notice to the parties, the court shall hold a hearing at which the
16 defendant must be present. The court shall determine whether to discharge the
17 surety and may review and modify the conditions of release.

18 **SECTION 156.** 969.42 of the statutes is created to read:

19 **969.42 Forfeiture. (1)** If the defendant does not comply with the conditions
20 of the bond, the court may order the bail forfeited and a judgment of bail forfeiture
21 entered. Immediately after the order is entered, the clerk of the court shall mail
22 notice of the order of judgment of bail forfeiture to the defendant and the defendant's
23 sureties. No other notice is required.

24 (2) By entering into a bond, the defendant and any sureties submit to the
25 jurisdiction of the court for the purposes of determining their liability under the

1 bond. Their obligations under the bond may be enforced without the necessity of an
2 independent action.

3 (3) If the court enters a judgment of bail forfeiture, any cash deposit made with
4 the clerk pursuant to this subchapter shall be applied to the payment of costs. If any
5 amount of the deposit remains after the payment of costs, it shall be applied to the
6 payment of the judgment of bail forfeiture.

7 (4) Within 30 days after the entry of a judgment of bail forfeiture, the court may
8 order the judgment set aside upon such conditions as the court imposes if it appears
9 that justice does not require the enforcement of the judgment of bail forfeiture.

10 SECTION 157. Subchapter III (title) of chapter 969 [precedes 969.50] of the
11 statutes is created to read:

12 **CHAPTER 969**

13 **SUBCHAPTER III**

14 **ENFORCEMENT OF APPEARANCE**

15 **REQUIREMENTS AND CONDITIONS OF**

16 **RELEASE**

17 SECTION 158. 969.50 (2) and (3) of the statutes are created to read:

18 969.50 (2) A court issuing a bench warrant under this section may specify
19 monetary conditions of release on the warrant.

20 (3) If monetary conditions of release are not specified on the bench warrant,
21 a defendant arrested pursuant to the warrant is not eligible for release before
22 appearing in court.

23 SECTION 159. 970.03 (1) of the statutes is amended to read:

24 970.03 (1) A preliminary examination is a hearing before a court for the
25 purpose of determining if there is probable cause to believe a felony has been

1 committed by the defendant. A preliminary examination may be held in conjunction
2 with a bail release revocation hearing under s. ~~969.08 (5)~~ 969.51 (1) (b), but separate
3 findings shall be made by the judge relating to the preliminary examination and to
4 the bail revocation.

5 **SECTION 160.** 973.03 (3) (e) 2. of the statutes is amended to read:

6 973.03 (3) (e) 2. A crime which is a Class D, E, F, or G felony listed in s. ~~969.08~~
7 ~~(10)~~ 969.51 (7) (b), but not including any crime specified in s. 943.10.

8 **SECTION 161.** 973.03 (5) (a) 1. of the statutes is amended to read:

9 973.03 (5) (a) 1. "Commission of a serious crime" has the meaning given under
10 s. ~~969.08 (10)~~ 969.51 (7) (a).

11 **SECTION 162.** 973.03 (5) (a) 2. of the statutes is amended to read:

12 973.03 (5) (a) 2. "Serious crime" has the meaning given under s. ~~969.08 (10)~~
13 969.51 (7) (b).

14 **SECTION 163.** 973.09 (2) (a) 1. b. of the statutes is amended to read:

15 973.09 (2) (a) 1. b. A misdemeanor that was an act of domestic abuse, as defined
16 in s. ~~968.075~~ 969.27 (1) (a).

17 **SECTION 164.** 973.20 (1r) of the statutes is amended to read:

18 973.20 (1r) When imposing sentence or ordering probation for any crime, other
19 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
20 (am) or ~~968.075~~ 969.27 (1) (a), for which the defendant was convicted, the court, in
21 addition to any other penalty authorized by law, shall order the defendant to make
22 full or partial restitution under this section to any victim of a crime considered at
23 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
24 substantial reason not to do so and states the reason on the record. When imposing
25 sentence or ordering probation for a crime involving conduct that constitutes

1 domestic abuse under s. 813.12 (1) (am) or ~~968.075~~ 969.27 (1) (a) for which the
2 defendant was convicted or that was considered at sentencing, the court, in addition
3 to any other penalty authorized by law, shall order the defendant to make full or
4 partial restitution under this section to any victim of a crime or, if the victim is
5 deceased, to his or her estate, unless the court finds that imposing full or partial
6 restitution will create an undue hardship on the defendant or victim and describes
7 the undue hardship on the record. Restitution ordered under this section is a
8 condition of probation, extended supervision, or parole served by the defendant for
9 a crime for which the defendant was convicted. After the termination of probation,
10 extended supervision, or parole, or if the defendant is not placed on probation,
11 extended supervision, or parole, restitution ordered under this section is enforceable
12 in the same manner as a judgment in a civil action by the victim named in the order
13 to receive restitution or enforced under ch. 785.

14 **SECTION 165.** 973.20 (9m) of the statutes is amended to read:

15 973.20 **(9m)** When restitution is ordered, the court shall inquire to see if
16 recompense has been made under s. ~~969.13 (5) (a)~~ 969.42. If recompense has been
17 made and the restitution ordered is less than or equal to the recompense, the
18 restitution shall be applied to the payment of costs and, if any restitution remains
19 after the payment of costs, to the payment of the judgment. If recompense has been
20 made and the restitution ordered is greater than the recompense, the victim shall
21 receive an amount equal to the amount of restitution less the amount of recompense
22 and the balance shall be applied to the payment of costs and, if any restitution
23 remains after the payment of costs, to the payment of the judgment. This subsection

1 applies without regard to whether the person who paid the recompense is the person
2 who is convicted of the crime.

3 (END)